

### REMARKS

This responds to the Office Action dated May 3, 2005, and the references cited therewith.

Claims 1, 7, 16, 22, 25, 32 and 36 are amended, claim 5 is canceled, and no claims are added; as a result, claims 1-4 and 6-38 are now pending in this application.

The specification is amended to more clearly express the relationship between the network access code and a talk group ID. Support for the proposed amendment is found in various portions of the specification, including the portion at page 18, line 4 *et. seq.*

Claims 7 and 16 are amended to recite the independent claim from which each depends. It is believed that no new matter is introduced and entry and allowance of the pending claims is respectfully requested.

Claims 1, 22, 25, 32 and 36 are amended to more clearly recite the claimed subject matter. It is believed that no new matter is introduced and entry and allowance of the pending claims is respectfully requested. Support for the amendment of claims 1, 22 and 32 appears in various portions of the specification, including originally filed claim 5. Support for the amendment of claim 25 and claim 36 appears in various portions of the specification, including the portion beginning at page 28, line 22.

### Information Disclosure Statement

Applicant submitted an Information Disclosure Statement and a 1449 Form dated March 19, 2002. Applicant respectfully requests that initialed copies of the 1449 Forms be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

### §102 Rejection of the Claims

Claims 1, 2, 4-6, 8-10, 12-15, 17, 22, and 32-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Shaughnessy et al. (U.S. Patent No. 6,141,347).

Notwithstanding the amendment of claims 1, 22 and 32, Applicant respectfully submits that *prima facie* anticipation has not been established as to Shaughnessy. In particular, Applicant is unable to find, in Shaughnessy, a teaching or disclosure of the communication group

identification number including a network access code, as recited in claim 1 and claim 22. In addition, Applicant is unable to find, in Shaughnessy, a teaching or disclosure of a group identification number including a network access code (NAC), as recited in claim 32.

Applicant is unable to find, in Shaughnessy, a teaching or disclosure regarding a network access code. The specification amendment makes clear that the network access code is distinguishable from a talk group as referred to by Shaughnessy. This distinction is supported by various portions of the specification including the portion at page 18, lines 4-12.

As to dependent claims 2, 4, 6, 8-10, 12-15, 17 and 33-35, Applicant respectfully submits that each recites additional elements beyond that of the base claims from which each depends. Accordingly, Applicant submits that each of claims 2, 4, 6, 8-10, 12-15, 17 and 33-35 are in condition for allowance for at least the reasons stated above.

Claims 25, 28-31, and 36-38 were rejected under 35 U.S.C. § 102(e) as being anticipated by Maher et al. (U.S. Patent No. 6,647,020 B1).

Notwithstanding the amendment of claims 25 and 36, Applicant respectfully submits that *prima facie* anticipation has not been established as to Maher. In particular, Applicant is unable to find, in Maher, a teaching or disclosure of a virtual circuit fiber based on priority and wide area call inactivity, as recited in claim 25 and claim 36. Accordingly, Applicant submits that the claim 25 and claim 36 is not anticipated by Maher.

As to dependent claims 28-31 and 37-38, Applicant respectfully submits that each recites additional elements beyond that of the base claims from which each depends. Accordingly, Applicant submits that each of claims 28-31 and 37-38 are in condition for allowance for at least the reasons stated above.

### §103 Rejection of the Claims

#### **Shaughnessy and Csapo**

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaughnessy et al. (U.S. Patent No. 6,141,347) in view of Csapo (U.S. Patent No. 5,910,946).

Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established. In particular, it appears that the required motivation for the proposed

combination has not been made of record. The Office Action states that “motivation is for a subscriber to have voice access to a server that is controlled by an operator.” The evidence of record does not adequately support the selection and combination of Shaughnessy and Csapo to render obvious that which the Applicant has claimed. Instead, the Office Action recites a conclusory statement without adequately addressing the issue of motivation to combine.

For at least these reasons, Applicant submits that *prima facie* obviousness has not been established. Reconsideration and allowance of pending claim 3 is respectfully requested.

### **Shaughnessy**

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaughnessy et al. (U.S. Patent No. 6,141,347).

Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established. In particular, it appears that the required motivation for the proposed combination has not been made of record. The Office Action states that “motivation is the conservation and management of usable bandwidth.” Applicant is unable to find, in Shaughnessy, a teaching or disclosure regarding bandwidth or conservation and management thereof. The evidence of record does not adequately support the modification of Shaughnessy to render obvious that which the Applicant has claimed. Instead, the Office Action recites a conclusory statement without adequately addressing the issue of motivation to combine.

For at least these reasons, Applicant submits that *prima facie* obviousness has not been established. Reconsideration and allowance of pending claim 11 is respectfully requested.

### **Shaughnessy and Maher**

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaughnessy et al. (U.S. Patent No. 6,141,347) in view of Maher et al. (U.S. Patent No. 6,647,020 B1).

Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established. In particular, it appears that the required motivation for the proposed combination has not been made of record. The Office Action states that “motivation is to communicate with a certain member only.” The evidence of record does not adequately support the selection and combination of Shaughnessy and Maher to render obvious that which the

Applicant has claimed. Instead, the Office Action recites a conclusory statement without adequately addressing the issue of motivation to combine. It appears that both Shaughnessy and Maher purport to each accomplish the asserted motivation without need of combining in the manner proposed.

For at least these reasons, Applicant submits that *prima facie* obviousness has not been established. Reconsideration and allowance of pending claim 18 is respectfully requested.

### **Shaughnessy, Maher and Brassil**

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaughnessy et al. (U.S. Patent No. 6,141,347) and Maher et al. (U.S. Patent No. 6,647,020 B1) as applied to claim 18 above, and further in view of Brassil et al. (U.S. Patent No. 6,771,644 B1).

Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established. In particular, it appears that the required motivation for the proposed combination has not been made of record. The Office Action states that “motivation is to provide feedback on reception quality, and distribute source identification and control information.” The evidence of record does not adequately support the selection and combination of Shaughnessy, Maher and Brassil to render obvious that which the Applicant has claimed. Instead, the Office Action recites a conclusory statement without adequately addressing the issue of motivation to combine.

For at least these reasons, Applicant submits that *prima facie* obviousness has not been established. Reconsideration and allowance of pending claim 19 is respectfully requested.

### **Shaughnessy, Maher and Kraft**

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaughnessy et al. (U.S. Patent No. 6,141,347) and Maher et al. (U.S. Patent No. 6,647,020 B1) as applied to claim 18 above, and further in view of Kraft et al. (U.S. Patent No. 6,832,239 B1).

Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established. In particular, it appears that the required motivation for the proposed combination has not been made of record. The Office Action states that “motivation is to use SOAP/XML formatting standard to transmit messages between networks, since the standard is

less complex for a wireless network.” The evidence of record does not adequately support the selection and combination of Shaughnessy, Maher and Kraft to render obvious that which the Applicant has claimed. Instead, the Office Action recites a conclusory statement without adequately addressing the issue of motivation to combine.

For at least these reasons, Applicant submits that *prima facie* obviousness has not been established. Reconsideration and allowance of pending claims 20 and 21 is respectfully requested.

### **Maher**

Claims 26 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maher et al. (U.S. Patent No. 6,647,020 B1) as applied to claim 25 above.

Applicant respectfully traverses the rejection and submits that *prima facie* obviousness has not been established. In particular, it appears that the required motivation for the proposed modification has not been made of record. The Office Action appears silent as to motivation for modification. The evidence of record does not adequately support the selection and modification of Maher to render obvious that which the Applicant has claimed. Instead, the Office Action recites a conclusory statement without adequately addressing the issue of motivation to combine.

For at least these reasons, Applicant submits that *prima facie* obviousness has not been established. Reconsideration and allowance of pending claims 26 and 27 is respectfully requested.

### Allowable Subject Matter

Claims 7 and 16 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7 and 16 are amended to independent form and are believed to be in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6911 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

August 3, 2005

By



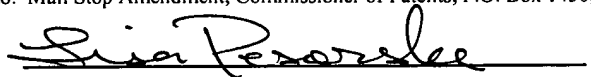
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of August, 2005.

LISA ROSORSKE

Name



Signature